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3. Same—Railroad Tracks—Adjoining Banks and Bluffs.—The duty of a railroad company to its servants employed on trains requires it to use ordinary care in guarding against obstructions caused by landslides and rocks falling from adjoining banks and bluffs.

[Ed. Note.—For cases in point, see vol. 34, Cent. Dig. Master and Servant, §§ 174, 179, 218, 224.]

4. Same—Questions for Jury—Negligence of Master.—In an action against a railroad company for injury to its engineer, evidence considered, and held, that defendant's negligence should have been submitted to the jury.

[Ed. Note.—For cases in point, see vol. 34, Cent. Dig. Master and Servant, §§ 1000, 1001.]

5. Same—Contributory Negligence.—In an action against a railroad company for injuries to an engineer, evidence considered, and held, that whether deceased was guilty of contributory negligence should have been submitted to the jury.

[Ed. Note.—For cases in point, see vol. 34, Cent. Dig. Master and Servant, §§ 1089-1132.]

SHANNON'S ADM'R *v.* CHESAPEAKE & O. RY. CO.

Dec. 7, 1905.

[52 S. E. 376.]

1. Carriers—Injuries to Passengers—Limitation of Liability.—Under Code 1904, p. 668, § 1294c (25), providing that "no agreement made by a transportation company for exemption from liability for injury or loss occasioned by its own neglect or misconduct as a common carrier shall be valid," a contract between an express company and its messenger, stipulating that the messenger shall exempt the company from liability for its own negligence, and undertaking to afford similar immunity to railroad companies in whose cars he might travel in the performance of his duties, was void, and afforded no defense in an action against a railroad company for negligence resulting in such messenger's death.

[Ed. Note.—For cases in point, see vol. 9, Cent. Dig. Carriers, §§ 1252-1255.]

2. Same—Care Required as to Servants of Express Companies.—A messenger in the employ of an express company, while engaged with the servants of a railroad company in the service of transportation on the road, is entitled to at least as high a degree of care for his protection by the railroad company as it owes to its employees.

[Ed. Note.—For cases in point, see vol. 9, Cent. Dig. Carriers, § 978.]